

12/31/2002

### MANAGEMENT STATUS OF OPEN FAR CASES

	12/31/01	6/14/02	12/31/02
At DoD	10	10	15
At CAAC	15	10	13
In case resolution	3	3	6
DARC/CAAC agree	0	2	0
At GSA Legal	3	6	1
Resolving GSA Legal issues	6	0	1
GSA Legal concurrence	1	0	1
At OFPP	13	8	4
Resolving OFPP issues	8	5	5
OFPP concurrence	2	0	1
At OIRA	2	1	0
Resolving OIRA issues	1	0	1
OIRA cleared.	0	4	3
Awaiting DoD appr. to publish	0	0	0
Obtained DoD appr. to publish	2	0	0
At FAR Secretariat	3	5	6
Out for public comment	4	3	3
On hold	3	3	2
Total	72	62	62

### **FAR RULES PUBLISHED IN CY02**

	Proposed	Interim	Final
Proposed	16		
FAC 2001-04 (2/8/02)		1	6
FAC 2001-05 (3/7/02)		1	
FAC 2001-06 (3/20/02)			7
FAC 2001-07 (4/30/02)			3
FAC 2001-08 (6/27/02)			3
FAC 2001-09 (8/30/02)		1	4
FAC 2001-10 (11/22/02)			4
FAC 2001-11 (12/31/02)		1	
Total	16	4	28
FAR Cases Opened in CY02:	29		
FAR Cases Closed in CY02:	39		
28	Final rules		
	Withdrawn, merged, or closed w/o action		

See also: <http://www.acq.osd.mil/dp/dars>. Scroll down to Status of Open Cases

### Management Status of the Open FAR Cases

<u>At DoD – 15 (14 DARC, 1 CAAC)</u>		<u>Committee</u>
2002-027	Unsolicited Proposals (12/11/2002, Tasked CP Cmte. RD 1/8/03)	DARC
2002-024	Electronic Representations and Certifications (Discuss 1/10/03)	DARC
2002-023	Excluded Parties List System Enhancement (p) (12/4/02, Recd DS&BE Cmte report. Will discuss 1/15/03)	DARC
2002-022	Fulford Doctrine (p) (11/6/2002, tasked Ad Hoc Cmte. RD 11/20/02)	DARC
2002-020	Contract Bundling—Data Collection (p) (10/9/02, Tasked Ad Hoc Cmte. RD 1/15/03)	DARC
2002-015	Government Property Rental and Special Tooling (p) (10/30/02, DARC agreed to draft proposed FAR rule)	DARC
2002-011	Procurement of Printing and Duplicating through the GPO (p→f) 12/30/02, Comment period closed)	DARC
2002-004	Part 22 Subcontracts and Definition of Terms (p) (12/18/02, To DARC)	<u>CAAC</u>
2002-003	Temporary Emergency Procurement Authority (i) (10/29/02, no public comments)	DARC
2002-001	Economic Planning, Employee Morale, and Travel Cost Principles (p→f) (12/04/02, Tasked CCP Cmte. RD 1/08/03)	DARC
2001-028	Energy Efficient Standby Power Devices (p→f) (12/18/02, public comments received, DAR staff processing)	DARC
2001-024	Selling Cost Principle (p→f) (12/04/02, Tasked CCP Cmte. RD 1/8/03)	DARC
2001-005	Notification of Overpayment, Contract Financing Payments (p→f) (12/11/02, Recd CF Cmte report. Will discuss 1/08/2003)	DARC
2000-005	Leadership in Environmental Management (E.O. 13148) (p→f) (12/4/02, Tasked Env. Cmte, RD 1/08/03)	DARC
1998-018	Trademarks for Government Products (p→p) (12/27/02, Recd PD&C CMTE draft proposed rule. Will discuss 1/8/03)	DARC

<u>At CAAC – 13 (7 DARC; 6 CAAC)</u>		<u>Committee</u>
2002-029	Contract Bundling—Implementing the OMB Report (12/12/02, FAR case opened, proposed rule.)	<u>CAAC</u>
2002-025	Unique Contract and Order Numbering System (11/4/02, Opened Case)	<u>CAAC</u>
2002-021	Use of FAR Clause 52.244-6, Subcontracts for Commercial Items and Commercial Components, in Construction Contracts (p) (11/01/02, To CAAC Chair)	DARC
2002-017	Elimination of the Standard Form 1417 (p) (01/08/03, CAAC will continue discussion)	DARC
2002-013	Definitions Clause (p) (9/19/02, To CAAC.)	DARC
2002-006	Application of Cost Principles and Procedures, and Accounting for Unallowable Costs (p) (12/27/02, To CAAC Chair)	DARC
2001-035	Past Performance Evaluation of Federal Prison Industries Contracts (p→f) (12/19/02, To CAAC)	DARC
2001-033	Section 508 Contract Clause (p) (8/30/2002, Received public comments from FAR Secretariat. FAR staff processing.)	<u>CAAC</u>
2001-021	Training and Education Cost Principle (p→p) (11/26/02, Sent to CAAC Chair)	DARC

2001-015	Prohibited Sources (p→f) (10/21/02, To CAAC)	DARC
2001-004	Exemption of Certain Commercial Service Contracts from the Service Contract Act (p) (12/18/02, App'd by CAAC.)	<u>CAAC</u>
2000-608	New Consolidated Form for Selection of Architect-Engineer Contractors (p→f) (1/16/02, Interagency Working Group assessing public comments.)	<u>CAAC</u>
1999-603	Federal Supply Schedule Services and Blanket Purchase Agreements (p) (3/22/01, To FSS Cmte)	<u>CAAC</u>

**In Case Resolution – 6**

2002-026	Procurements for Defense against or Recovery from Terrorism or Nuclear, Biological, Chemical, or Radiological Attack (12/27/02)
2002-018	Central Contractor Registration (p) (12/19/02)
2001-008	Compensation Cost Principle (p→f) (10/2/02) (To DARC for resolution, 10/22/02.)
2000-010	Acquisition of Construction under Part 12 (p)
2000-009	Update to 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders - Commercial Items. (p→f) (11/27/02) (DARC responded 12-3-02)
1995-013	Government Property Disposal (p→f) (GSA will process deviations to government property regulations when draft approved.)

**DARC/CAAC Agree. Next step, legal review - 0**

**GSA Legal Review - 1**

1997-304	Electronic Commerce in Federal Procurement (i→f) (2/6/02)
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**Resolving GSA Legal issues - 1**

1999-400	Geographic Use of the Term "United States" (p→f) (12/23/02)
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**GSA Legal concurrence. Next step, OFPP - 1**

2001-011	FAR Electronic Availability (f) (10/9/02)
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**At OFPP for review - 4**

2002-005	Transportation: Standard Industry Practices (p) (11/21/02)
2001-030	Electronic Listing of Acquisition Vehicles Available for Use by More than One Agency (p→f) (12/11/02)
2001-029	Miscellaneous Cost Principles (p→f) (12/12/02)
1999-402	FAR Part 27 Rewrite in Plain Language (p) (10/10/02)

**Resolving OFPP Issues - 5**

2002-008	Gains and Losses, Maintenance and Repair Costs, and Material Costs (p) (10/24/02) (DARC and CAAC to revise case.)
2001-018	Applicability of the Cost Principles (p) (7/2/02)
2000-304	Electronic Signatures (p→f) (6/5/02) (11/11/02, Revise FR notice per OFPP)
2000-013	Contract Types for Commercial Item Acquisitions (p→f) (10/19/02)
1998-020	Hazardous Material Safety Data (p→p) (11/20/2002) (12/17/02, DARC/CAAC responded to OFPP)

**OFPP Concurrence. Next step, OIRA – 1**

1999-025 Cost Accounting Standards (CAS) Administration (p→p) (12/27/02, DARC agreed to OFPP revisions, notified CAAC)

**At OIRA – 0**

**Resolving OIRA issues - 1**

2001-031 Deferred Compensation and Post-Retirement Benefits Other than Pensions (p) (9/20/02)

**OIRA cleared. Next step, FARSEC – 3**

2002-014 Debriefing—Commercial Items (p→f) (12/18/2002)

2000-308 Prompt Payment Under Cost-Reimbursement Service Contracts (i→f) (12/19/02)

1999-024 Preference for U.S.-Flag Vessels--Subcontracts for Commercial Items (p→f) (12/3/02)

**At FAR Secretariat – 6**

2001-037 Insurance and Pension Costs (p) (12/11/02)

2001-034 General Provisions of the Cost Principles (p) (12/11/02)

2001-026 Depreciation Cost Principle (p) (12/11/02)

2001-006 Progress Payment Requests under Indefinite-Delivery Contracts (p→f) (12/11/02)

2000-305 Commercially Available Off-The Shelf Items (ANPR) (12/11/02)

2000-016 Federal, State, and Local Taxes (p→f) (12/11/02)

**Out for Public Comment - 3**

2002-012 Section 508 Micropurchase Exception Sunset Provision (i) (CD 3/3/02)

2002-010 Debarment and Suspension—Indefinite Delivery Contracts (p) (CD 1/3/03)

2001-032 Elimination of Standard Form 129 (p) (CD 1/06/03)

*FR notice Reimbursement of Relocation Costs on a Lump Sum Basis (CD 12/23/02)*

**On Hold - 2**

1994-753 Travel Costs (p→f)

1989-093 Lobbying Restrictions (i→f)

*(i) = Interim rule not published*

*(p) = Proposed rule not published*

*(i→f) = Finalizing interim rule*

*(p→p) = Second proposed rule*

*(p→f) = Finalizing proposed rule*

## **FAR Rules Published in CY02**

### **ANPR**

2001-022 Section 508 Contract Clause (6/27/02)

\*\*\*\*\_\*\*\* *Contract Closeout* (9/24/02)

\*\*\*\*\_\*\*\* *Reimbursement of Relocation Costs on a Lump Sum Basis* (10/23/02)

### **Proposed**

2002-011 Procurement of Printing and Duplicating through the GPO (p) (11/13/02)

2002-010 Debarment and Suspension—Indefinite Delivery Contracts (p) (11/4/03)

2002-001 Economic Planning, Employee Morale, and Travel Cost Principles  
(p) (8/30/02)

2001-035 Past Performance Evaluation of Federal Prison Industries Contracts (p) (8/29/02)

2001-032 Elimination of Standard Form 129 (p) (11/6/02)

2001-030 Electronic Listing of Acquisition Vehicles Available for Use by More  
than One Agency (p) (2/15/02)

2001-029 Miscellaneous Cost Principles (p) (3/20/02)

2001-028 Energy Efficient Standby Power Devices (p) (10/16/02)

2001-024 Selling Cost Principle (p) (8/30/02)

2001-021 Training and Education Cost Principle (p) (5/15/02)

2001-015 Prohibited Sources (p) (3/20/02)

2001-005 Notification of Overpayment, Contract Financing Payments (p) (8/29/02)

2000-016 Federal, State, and Local Taxes (p) (6/4/02)

2000-009 Update to 52.212-5, Contract Terms and Conditions Required to Implement  
Statutes or Executive Orders - Commercial Items. (p) (3/20/02)

2000-005 Leadership in Environmental Management (E.O. 13148) (p) (8/30/02)

1998-020 Hazardous Material Safety Data (p) (1/4/02))

### **FAC 2001-004** (2/8/02)

2002-002 Special Simplified Procedures for Purchases of Commercial Items (f)

2001-027 ISO 9001 Quality Management System Requirements (published as tech amendment) (f)

2001-017 Revocation of E.O. on Nondisplacement of Qualified Workers (f)

2001-013 Notification of Noncompliance with Cost Accounting Standards (f)

2000-404 Definitions for Classified Acquisitions (f)

2000-306 Caribbean Basin Country End Products (i)

1999-026 Final Contract Voucher Submission (f)

### **FAC 2001-005** (3/7/02)

2001-016 Labor Relations on Construction Projects (i)(stay)

**FAC 2001-06** (3/20/02)

- 2001-003 HUBZone Program Applicability (f)
- 2000-403 Definitions for Sealed Bid and Negotiated Procurements (f)
- 2000-402 Definitions for "Contract action" and "Contracting action" (f)
- 2000-012 Update to SF 1449, Solicitation/Contract/Order for Commercial Items (f)
- 2000-008 Acquisition of Helium (f)
- 1999-612 Application of Labor Clauses (f)
- 1998-024 Procurement Integrity Rewrite (f)

**FAC 2001-07** (4/30/02)

- 2001-002 European Union Trade Sanctions (f)
- 2000-307 Preference for Performance-Based Service Contracting (i→f)
- 1999-616 Balance of Payments Program (p→f)

**FAC 2001-008** (6/27/02)

- 2000-406 Definitions of "Claim" and Terms Relating to Termination (p→f)
- 1999-614 Federal Supply Schedules Order Disputes and Incidental Items (p→f)
- 1997-032 Relocation Costs (p→f)

**FAC 2001-009** (8/30/02)

- 2002-009 Trade Agreements Thresholds (f)
- 2002-003 Temporary Emergency Procurement Authority (i)
- 2001-012 Payments under Fixed-Price Construction Contracts (p→f)
- 2000-302 Veterans Entrepreneurship and Small Business Development Act of 1999 (i→f)
- 1999-303 Task Order and Delivery Order Contracts (p→f)

**FAC 2001-010** (11/22/02)

- 2002-016 General Records Schedule (f)
- 2001-016 Labor Relations on Construction Projects (f)(stay)
- 2000-306 Caribbean Basin Country End Products (i→f)
- 2000-007 Financing Policies (p→f)

**FAC 2001-011** (12/31/02)

- 2002-028 Special Simplified Procedures for Purchases of Commercial Items in Excess of the Simplified Acquisition Threshold (f)
- 2002-012 Section 508 Micro-purchase Exception Sunset Provision (i)

## **FAR Cases Withdrawn, Merged, or Closed Without Action CY02**

2002-007 Noncommercial Representations and Certifications for Use in Simplified Acquisitions  
--Closed 6/13/02. No FAR changes needed.

2001-036 Contract Bundling – closed 4/11/02.

2001-019 Government Property Rewrite – closed 4/11/02.

2001-009 Implementation of Changes to the Interstate Commerce Act – closed into 2002-005

2000-606 Definition of Service Contract - closed 2/12/02.

2000-601 Define Terms in Part 22 - closed into 2002-004.

2000-401 Definitions of "Applied Research" and "Development" (withdrawal notice) (6/28/02)

2000-011 Revisions to Provisions/Clauses to Accommodate Sealed Bidding and Simplified Procedures in Commercial Item Acquisitions – Closed 5/28/02. No FAR changes needed.

1999-605 Subcontracts (Labor Standards) – closed into 2002-004.

1991-078 Small Business Subcontracting Reporting – Closed 8/15/02. The Procurement Executive Council's Socio-Economic Committee has chartered a Subcontract Reporting Subcommittee to implement Government-wide electronic subcontract reporting. The subcommittee is working on a thorough review of the reporting requirements (SF294/295) and will work toward comprehensive reporting that will streamline and minimize the data required from contractors/subcontractors. Any regulatory changes necessary to implement the subcommittee's finding will be the subject of a new case.

2002-019 Termination Settlements for Part 12 Contracts – Closed 10/11/2002. No FAR changes required. It is inappropriate to add the proposed sentence to the Termination Costs principle at FAR 31.205-42, which would clarify that the FAR Part 31 cost principles do not apply to terminations of contracts for commercial items, because there are many other parts of FAR 31 that apply to terminations than just the Termination Costs principle. In addition, the termination paragraph of the contract clause that is used for the acquisition of commercial items (FAR 52.212-4(l)) clearly states that the contractor shall not be required to comply with the contract cost principles. Adding the proposed sentence to FAR 49.000 (Termination of Contracts), which would clarify that Part 49 does not apply to contracts for commercial items which utilize the termination clauses cited in FAR 12.403(a), would conflict with FAR Part 12.403(a) which states, in part, that contracting officers may continue to use Part 49 as guidance to the extent that Part 49 does not conflict with this section and the language of the termination paragraphs in FAR 52.212-4.